

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DEKALB COUNTY, FULTON  
COUNTY, and COBB COUNTY,  
GEORGIA,

Plaintiffs,

v.

HSBC NORTH AMERICA  
HOLDINGS, HSBC INVESTMENTS  
NORTH AMERICA INC., HSBC  
FINANCE CORPORATION, HSBC  
MORTGAGE CORPORATION,  
HSBC MORTGAGE SERVICES INC.,  
HSBC MORTGAGE SERVICES  
WAREHOUSE LENDING INC.,  
HSBC USA INC., HSBC BANK USA,  
NATIONAL ASSOCIATION,  
DECISION ONE MORTGAGE  
COMPANY, LLC HSBC MARKETS  
(USA) INC., HSBC SECURITIES,  
AND HSBC CORPS 1-50,

Defendants.

CIVIL ACTION NO.  
1:12-CV-03640-SCJ

ORDER

This matter appears before the Court on Plaintiffs' Motion for Clarification of the Court's May 20, 2014 Order and Modification of the January 27, 2014 Scheduling Order [Doc. No. 57].

On May 20, 2014, the Court entered an order that resolved the parties' pending discovery dispute to permit Plaintiffs discovery as to matters related to the number

of loans made to minority borrowers and serviced by HSBC during various times since 2003. Doc. No. 55.

Plaintiffs thereafter (on May 21, 2014) served additional discovery on Defendants. Doc. No. 56.

On May 23, 2014, Defendants, via letter, stated that they would not provide this additional discovery due to it being out of time pursuant to the Scheduling Order at Doc. Nos. 38, 48. Doc. No. 57-2.

On May 29, 2014, Plaintiffs filed a motion in which they request the Court to (1) clarify its May 20th Order and order Defendants to produce, by a date certain, all of the information Plaintiffs have requested (in the form that Plaintiffs have requested it) related to the mortgage loans Defendants made and serviced along with any other discovery necessary to respond to Defendants' anticipated summary judgment motion and (2) modify the Scheduling Order to make clear that Plaintiffs can conduct the discovery they need, and to provide adequate time for the parties to do so, while realigning the timing in which Defendants can seek summary judgment on this issue to coordinate with any summary judgment motion Defendants file after conclusion of merits discovery. Doc. No. 57-1, p. 3.<sup>1</sup>

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<sup>1</sup> Plaintiffs ask, in the alternative, for a ruling that short circuits the phased discovery process and grants their partial motion for summary judgment [Doc. No. 50] and other

Defendants filed a reply brief on June 10, 2014. Doc. No. 58. Defendants state that the deadline to propound discovery expired on April 27, 2014. Defendants argue, *inter alia*, that the present motion for clarification is an improper request for reconsideration of the Court's order resolving the Defendants' motion to dismiss. Doc. No. 23.

After review, the Court provides clarification as follows. The Court's May 20, 2014 order was not entered to reopen the three-month period for propounding discovery, set forth in the Scheduling Order. Doc. Nos. 38, 48. The May 20, 2014 order was entered to allow Plaintiffs access to information subject to the discovery requests already served (*i.e.*, the March 25, 2014 requests). The May 20, 2014 order was only directed to Defendants to respond to the discovery requests that had been served prior to May 20, 2014 and relating to the "number of loans made to minority borrowers and serviced by HSBC during various times since 2003." Defendants are not required to respond to Plaintiffs' May 21, 2014 discovery requests.

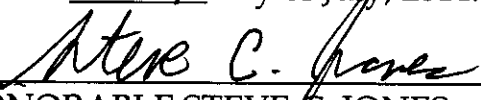
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requests. The Court declines Plaintiffs' request for an accelerated ruling on the pending motion for partial summary judgment.

### Conclusion

Plaintiffs' Motion for Clarification of the Court's May 20, 2014 Order and Modification of the January 27, 2014 Scheduling Order [Doc. No. 57] is hereby **GRANTED**. The Court clarifies its May 20, 2014 Order [at Doc. No. 55] as follows. The May 20, 2014 did not reopen the three-month period for propounding discovery. Said order was aimed at the discovery/document requests already existing. Defendants are not required to respond to Plaintiffs May 21, 2014 discovery requests. The previously set discovery and motion deadlines remain.

IT IS SO ORDERED, this 10th day of July, 2014.

  
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HONORABLE STEVE C. JONES  
UNITED STATES DISTRICT JUDGE